



225 W. Colfax Ave. South Bend, IN 46626 ~ 574.236.1769

Marci Burdick  
Senior Vice President  
Broadcasting & Cable

January 31, 2005

The Honorable Jonathan S. Adelstein  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

*Re:* CS Docket No. 98-120

Dear Commissioner Adelstein:

Please let me re-introduce myself. We share Rapid City as a hometown and talked at the NAB Radio meeting about how I used to count votes from the "KKLS Green Sheets" which made up the content of your favorite "Black Hill Top 10" radio show. Another point of that story is to underscore my belief in and understanding of the value of localism.

I am writing to you today to urge you and your fellow Commissioners not to act piecemeal on carriage rules for digital television signals, particularly given the strong interest expressed both in Congress and at the Commission in establishing a hard date for the end of the digital transition. Since the proposed rules circulated by Chairman Powell would not go into effect until the end of the transition, there is no need for the FCC to adopt them today. Instead, if a new approach to the transition is to be adopted, carriage rules should be considered as part of an overall solution to protecting consumers and moving television into a digital future.

You have stressed the importance of local service for broadcasters. The Schurz Broadcasting stations have always shared that commitment to local service, and our stations have been leaders in their markets in providing local news, local public affairs and other forms of service to our communities. The opportunity to strengthen our local service is one of the reasons we have been excited about the opportunities that the DTV transition will bring. In the communities we serve, in addition to investing in full high definition coverage, we are multi-casting weather channels, distributing UPN programming which would otherwise not be carried and beginning 24-hour local news channels.

The rules that you are considering – rules that would allow cable and satellite systems to strip any new and innovative forms of program service from local broadcast signals – would prevent us from realizing those benefits for viewers in our markets. Without the assurance of distribution to all viewers, it would be impossible to undertake new program services on multicast channels.

The Honorable Jonathan S. Adelstein  
Federal Communications Commission  
January 31, 2005  
Page -2--

For example, the children's television rules the Commission recently adopted which increase the obligation to air educational programs for children are keyed to stations' use of multicast channels. Without assurance that those channels would be distributed, it is unlikely that they will be offered and the result will not only be the loss of a wide variety of new program services, but also to make a nullity of the new children's rules.

I want to stress the particularly harmful effect of the Commission's proposed action on medium and small television markets. As you know, television stations in these markets are already struggling and are unable to take advantage of the more efficient ownership structures that the FCC has made available to stations in large markets. Further, the cost of transitioning to DTV has a far greater impact on smaller stations which have far less revenues.

Multicasting, therefore, is particularly important for stations in medium and smaller markets. It would allow stations like ours to offer services that are now available off the air only in larger markets, including services to ethnic groups who now have no programming directed to their needs. It would also provide us an opportunity to develop new services that would bring desperately needed new revenues to our stations. The proposed carriage rules would leave these already beleaguered stations with the prospect of obtaining little or no return for their enormous investment in digital television. Rather than strengthening localism, the proposed carriage rules would weaken it.

That is why the Commission should not proceed to a decision on multicast carriage without a full consideration of how the digital transition will be completed and the impact of carriage rules on the pace of the transition and the benefits consumers will obtain from DTV. Otherwise, you will have left tens of millions of consumers at the risk of losing local service altogether and certainly will have frustrated Congress' objective in adopting both must carry and the transition to digital television of strengthening America's system of free local broadcasting.

I urge you, therefore, to delay adopting carriage rules until they can be viewed as part of an overall plan to end the digital transition.

Respectfully submitted,

A handwritten signature in black ink, reading "MBurdick". The signature is written in a cursive, flowing style.

Marci Burdick

cc: Marlene H. Dortch